



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision Request for Variance Strayer Family Trust /Map 236, Lot 13**

**May 21, 2015**

**Applicant:** Frances Strayer  
Strayer Family Trust  
154 School House Road  
Sandwich, NH 03227

**Location:** 117 Echo Landing Road, Moultonborough, NH (Tax Map 236, Lot 13)

On May 20, 2015, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Frances Strayer; Strayer Family Trust (hereinafter referred to as the "Applicant" and/or "Owner") to obtain Variances from MZO Article VII. (E) (1) and Article III. B (4) in order to remove and replace an existing 15'6" x 10' 2" nonconforming bunkhouse and expand its size to 15'6" x 15' located 19 ft. from the reference line (Lake Shorefront) where 50 ft. is required on the parcel located in the Residential Agricultural (RA) Zoning District.

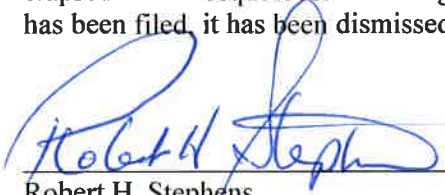
Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 117 Echo Landing Road (Tax Map 236, Lot 13).
- 2) The applicant is a Trustee of record for the lot.
- 3) Frances Strayer presented the application for the variance. Rich Benton, contractor was present with Ms. Strayer to answer questions from the Board.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The setback affected is the fifty foot (50') lake setback.
- 6) The applicant is proposing the replacement and expansion of a removed nonconforming 15'6" x 10'2" bunkhouse located 19 ft. from the reference line (lake shorefront) where 50 ft. is required.
- 7) The existing attached 10' x 15' deck will remain in its present location.

- 8) The proposed bunkhouse will be 15'6" x 15'.
- 9) The applicant has received a NH DES Shore land Permit by Notification (PBN), #2015-00792, to rebuild the cabin squaring off the back of the bunkhouse to the deck thereby increasing the net impervious area by 50 square feet.
- 10) A question was raised regarding the square footage of the expansion. It was noted the PBN refers to the Net Impervious Area of 50 square feet, and that the addition to the bunkhouse is approximately 74 square feet in area.
- 11) No members of the public spoke in favor of or against the application.
- 12) Granting the Variance would not be contrary to the public interest as the Board felt that the encroachment into the waterfront setback did not alter the character of the neighborhood nor threaten the welfare, safety or health of the public because other neighborhood structures were similarly constructed and located at a similar distance to the water, and especially if best management storm water treatment is included with the construction.
- 13) Granting the Variance would be consistent with the spirit of the Ordinance as the Board felt that the encroachment into the waterfront setback did not alter the character of the neighborhood nor threaten the welfare, safety or health of the public because other neighborhood structures were similarly located at a similar distance to the water and that the bunkhouse has existed for many decades and the new construction and site work makes it possible to employ best practice water quality techniques.
- 14) By granting the Variance, substantial justice would be done because there is no gain to the general public by requiring the rebuild in a dimensionally complying location while the harm to the applicant is great in a character of the neighborhood manner and a loss of views manner.
- 15) Granting the Variance would not diminish the value of surrounding properties as the new construction would not only be in keeping with other neighborhood construction, but would also be new construction and therefore serve to increase neighbors' property values.
- 16) There is an unnecessary hardship in this case because the proposed expanded bunkhouse would be no closer to the water than the original and other structures in the neighborhood, that the applicant is not asking for something that other neighbors do not have and therefore there is not a fair and substantial relationship between the general public purpose of the ordinance and this specific application of the setback provision to the subject property, and that it is unreasonable to prohibit its re-creation simply because the structure's condition makes a rehab impractical or impossible.
- 17) On May 20, 2015, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Zewski, Nolin, Bickford, St. Peter) and none (0) opposed to grant the request for a variance with the following conditions that the granting of the variance for the bunkhouse does not vest a right for any future expansion of a nonconforming structure, and that all best management practices for water quality (storm water runoff) be employed; and to close the Public Hearing. The Board moved to direct Staff to draft a formal Notice of Decision for review and approval for signing at the next meeting.

The Board of Adjustment, on June 17, 2015, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of five (5) in favor (Stephens, Zewski, Nolin, Bickford, St. Peter) and none (0) opposed.

The decision made to grant the variance on May 20, 2015, shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

A handwritten signature in blue ink, appearing to read "Robert H. Stephens", is written over a horizontal line.

Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date 6/18/2015